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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,996	08/05/1999	TIMOTHY P. BARBER	2-604.2-1	6192
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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER HAVAN, THU THAO	
			ART UNIT 3691	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/368,996

Applicant(s)

BARBER, TIMOTHY P.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1-13 are pending. This action is in response to the remarks received August 14, 2006.

Response to Arguments

The rejection of claims 1-13 under 35 U.S.C. 103(a) as being unpatentable by Stefik (US 5,715,403) and Grawrock et al. (US 2004/0093506) is maintained.

Upon a closer examination, Applicant's arguments filed August 14, 2006 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., real time; when client beings accessing a work; how to arrange when to start timing access; low overhead mechanism) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant alleges that the prior art made of record fails to teach having the third party both begin timing access. The examiner disagrees with applicant's representative since Stefik teaches having the third party both begin timing access (figs. 15-18). Stefik discloses time duration of the usage by the consumer. He teaches the license control system then sends a reply datagram to the license check monitor indicating denial or approval of usage. The license control system will deny usage in the event that request datagrams go unanswered after a predetermined period of time (which may indicate an unauthorized attempt to use the licensed product). In this system, usage is managed at a central location by the response datagrams. So for example if license fees have not been paid, access to the licensed product is terminated. Such conditions include a copy-count condition for limiting the number of times a right can be concurrently exercised (e.g. limit the number of copies on loan to some predetermined number), a security class condition for insuring that a repository has an appropriate level of security, access conditions for specifying access tests that must be passed, a time specification for indicating time based constraints for exercising a right and a fee specification for indicating usage fees for the exercise of a right.

In addition, Applicant alleges that the prior art made of record fails to teach a browser. The examiner disagrees with applicant's representative since Grawrock teaches a browser system (para. 0179, 0014, 0016-0017, 0019, and 0032). Grawrock discloses an Internet system by way of a more concrete example, after properly logging into the system and providing all appropriate passwords, the authorized user decides to connect

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via the Internet with a Web site or a like source of data that downloads ActiveX.TM.

components or like kinds of `applets` into the user's computer. Thus, his system authorizes user to connect via the Internet with a Web site (e.g. web site including a browser).

With regards to the claims rejected as taught by Stefik and Grawrock, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Stefik and Grawrock taught the claimed limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik (US 5,715,403) in view of Grawrock et al. (US 2004/0093506).

Re claims **1, 10, and 13**, Stefik teaches a method of billing, by a third party, for access by a consumer to information made available by a vendor over a computer network, with the billing based on how long the consumer elects to access the information (col. 7, lines 16-48; col. 17, lines 5-60; figs. 1 and 3; Stefik discloses a third party to control the billings as a billing clearinghouse), the method comprising the steps of:

a) when a consumer visits a vendor network address and decides to purchase access to information made available over the computer network by the vendor, having the

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consumer exercise a third-party link that will connect the consumer to the third party (col. 18, lines 1-42; fig. 14);

b) having the third party provide to the consumer an exercisable start-session link for starting access to the information (col. 8, lines 22-32; figs. 11 and 15; In figure 15, Stefik discloses start-session by periodically recording billing transactions based on when the customer starts and end); and

c) having the third-party link and the start-session link are links on respective pages for presentation to the consumer by equipment operated by the consumer (figs. 15-18; Stefik discloses time duration of the usage by the consumer).

However, Stefik does not explicitly teach a browser hosted. On the other hand, Grawrock discloses a browser hosted when he discloses an Internet system (para. 0179, 0014, 0016-0017, 0019, and 0032). Grawrock discloses records may be stored as digital data in a computer that is operatively coupled to a network (e.g., the Internet). His system authorizes user to connect via the Internet with a Web site. Thus, it would have been obvious to one of ordinary skill in the art to implement a browser hosted in an Internet that has a Web site as discloses in Grawrock.

Re claims 2 and 5, Stefik teaches a method of billing a consumer for access for a limited time to information made available by a vendor, the access provided over a computer network, the method requiring participation by a third party to mediate between the consumer and the vendor (col. 7, lines 16-48; col. 17, lines 5-60; figs. 1 and 3; Stefik discloses a third party to control the billings as a billing clearinghouse), the method comprising the steps of:

a) having the vendor establish an account with the third party and provide to the third party a session connect address that is an address on the computer network of the information made available by the vendor (col. 13, lines 20-67; fig. 5);

b) having the third party provide the vendor with a start session address that is an address on the computer network of the third party to which the vendor is to direct a consumer to start timing access by the consumer to the information made available by the vendor (col. 48, lines 35-59; figs. 15-18);

c) having the vendor make available over the computer network a pricetag link that will connect a prospective consumer with the third party (col. 29, line 59 to col. 30, line 67; Stefik discloses billing transaction corresponding to pricetag);

d) if the consumer exercises the pricing link, having the third party return to the consumer a pricetag page that includes a price-per-unit time for access to the information made available for access by the vendor, a maximum duration of access for which the consumer is authorized, and a link to the start session address, which is an address of the third party (col. 32, lines 46-67; col. 29, line 59 to col. 30, line 67);

e) if the consumer exercises the link to the start session address, having the third party return to the consumer an end session link, which the consumer can use to terminate the purchase of access to information from the vendor earlier than waiting for the maximum duration of access to expire, and an authentication code (figs. 15-18);

f) also if the consumer exercises the link to the start session address, having the third party provide to the vendor the consumer authentication code and the consumer address,

and begin billing the consumer beginning when the consumer exercised the start session link (col. 29, line 59 to col. 31, line 48);

g) having the vendor provide to the consumer a page, located at the session connect address of the vendor, that provides an access link to the information made available by the vendor (col. 27, line 32 to col. 28, line 65; Stefik discloses hotlist that enables session connection for different transactions);

h) if the consumer exercises the access link, having the vendor provide access to the information until either the maximum duration expires, or the consumer exercises the end session link (col. 22, lines 10-46); and

i) if the consumer exercises the end session link, which redirects the consumer to the third party, having the third party notify the vendor that the consumer access is terminated, and having the third party stop billing the consumer (col. 21, line 49 to col. 22, line 37; Stefik discloses time specification including end-session link);

wherein the pricetag link and the link to the start session address are links on respective pages for presentation to the consumer by equipment operated by the consumer (col. 29, line 59 to col. 30, line 67; figs. 15-18).

However, Stefik does not explicitly teach a browser hosted. On the other hand, Grawrock discloses a browser hosted when he discloses an Internet system (para. 0179, 0014, 0016-0017, 0019, and 0032). Grawrock discloses records may be stored as digital data in a computer that is operatively coupled to a network (e.g., the Internet). His system authorizes user to connect via the Internet with a Web site. Thus, it would have been

obvious to one of ordinary skill in the art to implement a browser hosted in an Internet that has a Web site as discloses in Grawrock.

Re claim 3, Stefik teaches when the consumer accesses the network address of the vendor, the vendor transmits to the consumer a page with the pricetag link that provides enough information to the consumer for the consumer to decide whether to look further into purchasing information from the vendor (col. 29, line 59 to col. 30, line 67). Stefik discloses billing transaction corresponding to pricetag.

Re claim 4, Stefik teaches third party redirects the consumer to link to the vendor and in so linking passes to the vendor the consumer authorization code and consumer address as parameters of the link (col. 26, line 38 to col. 27, line 67).

Re claims 6, 8, and 12, Stefik teaches third party stops timing access based on the consumer having exceeded a maximum duration of access to the information (figs. 15-18). In figures 15-18, Stefik discloses timing duration for being and ending sessions.

Re claims 7, 9, and 11, Stefik teaches third party stops timing access to the information when the consumer exercises an end-session link that redirects the consumer to the third party (col. 21, line 49 to col. 22, line 37). Stefik discloses time specification including end-session link.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
5/22/2007



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